



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,741	09/05/2003	Brian P. Bjorklund	030066	9081
52270	7590	06/09/2005	EXAMINER	
POTOMAC PATENT GROUP, PLLC P.O. BOX 270 FREDERICKSBURG, VA 22404			CHANG, YEAN HSI	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,741

Applicant(s)

BJORKLUND, BRIAN P.

Examiner

Yean-Hsi Chang

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/3/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Both the numerical characters 106 and 108 have been used for second and third panels.

Appropriate correction is required.

Claim Objections

2. Claim 21 is objected to because of the following informalities: The "the surface" lacks antecedent basis; and the "an open ended channel" should not use "an" as a article since it seems referring to the same "open ended channel" cited in claim 18 from which it depends, otherwise, a different name should be given. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2835

4. Claims 7 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Rudy, Jr. et al. (US 5,343,361).

Rudy teaches a housing (12, fig. 2) for supporting and mounting at least one module (100), said housing comprising: a first panel member (18), a second panel member (16) connected to said first panel member, a third panel member (20) connected to said second panel member opposite said first panel member, wherein a slot (26) is formed between said first and third panel members capable of receiving at least one module (shown in fig. 2), and at least one mounting member (216) capable of mounting said housing to a surface (14) (claim 7); wherein said first panel member has at least one first orifice (shown in fig. 2, not labeled) and said third panel member has at least one second orifice (shown in fig. 2, not labeled) (claim 10); and wherein said at least one first orifice and said at least one second orifice are positioned to receive fasteners (56) attached to said at least one module to secure said at least one module on said housing (claim 11).

5. Claims 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Rudy, Jr. et al.

Rudy discloses a method of mounting at least one module on an cabinet (fig. 2), comprising: forming an open ended channel (formed with panels 18, 16 and 20 as shown in fig. 2) on a portion of the cabinet, inserting at least a portion of the at least one module (100) into the open ended channel (fig. 2) with one open end (the other end being covered by panel 14), retaining the at least one module within the open ended

Art Unit: 2835

channel (fig. 2) (claims 18-19); engaging a screw (56) on a portion of the at least one module with a portion of a housing (formed by panels 18, 16 and 20 as shown in fig. 2) (claim 20); attaching the open ended housing to a surface (202) such that the open ended channel is formed between the housing and the surface (as shown in fig. 2) (claim 21); and attaching the housing to the surface with at least one fastener (312) selected from the group consisting of fasteners containing magnets, hook and loop fasteners and screws (claim 22).

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 6 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Lebo et al. (US 6,747,866 B1).

Lebo teaches an apparatus (110, fig. 1) for supporting and mounting at least one module (175) on a surface (150), said apparatus comprising: a housing (110) attachable to a portion (shown in fig. 2) of the surface, said housing having a channel (between 260's) therein sized to receive and support at least a portion of at least one module (170) therein, and at least one mounting member (160) on said housing for attaching said housing to the surface (claims 1 and 17); wherein said housing comprises a three-

Art Unit: 2835

sided box (shown in fig. 2) (claim 2); wherein one end of said three-sided box is enclosed (shown in fig. 2) (claim 3); and wherein said housing is configured to cooperate with fasteners (165) for fastening said at least one modules to said housing (claim 6).

8. Claims 7-10 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Lebo et al.

Lebo teaches a housing (110, fig. 1) for supporting and mounting at least one module (175), said housing comprising: a first panel member (260), a second panel member (250) connected to said first panel member, a third panel member (260) connected to said second panel member opposite said first panel member, wherein a slot is formed between said first and third panel members capable of receiving at least one module (shown in fig. 1), and at least one mounting member (160) capable of mounting said housing to a surface (150) (claim 7); wherein said slot is U-shaped (shown in fig. 2) and sized to slidably receive said at least one module (see fig. 1) (claim 8); wherein said first panel member has a first extended side (see fig. 2) and wherein said third panel has a second extended side (see fig. 3) (claim 9); wherein said first panel member has at least one first orifice (shown in fig. 3, not labeled) and said third panel member has at least one second orifice (shown in fig. 10, not labeled) (claim 10); and wherein said housing further comprises a rear panel (shown in fig. 2, not labeled) connected to said first, second and third panels and positioned parallel to said slot (claim 16).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lebo et al. in view of Kato et al. (US 6,151,206).

Lebo discloses the claimed invention except the at least one mounting member comprises at least one magnet.

Kato teaches a magnetic strip (134C, fig. 12) for removably mounting a housing (31) to a surface (surface of 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Lebo with the magnetic strip taught by Kato for removably securing the housing to the surface for easy attaching and removal without a tool.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lebo et al. in view of Adams et al. (US 6,697,262).

Lebo discloses the claimed invention except the at least one mounting member comprises hook and loop fasteners.

Adams teaches hook and loop fasteners (10A and 10B, fig. 1) for removably mounting a module (6) to a surface (8).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Lebo with the fasteners taught by Adams for removably securing the housing to the surface for easy attaching and removal without a tool.

Correspondence


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30 - 16:00, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2835

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang
Primary Examiner
Art Unit: 2835
June 8, 2005



YEAN-HSI CHANG
PRIMARY EXAMINER